

Attorney's Docket No.: 11283-013001

**DECLARATION, POWER OF ATTORNEY AND PETITION**

I (We), the undersigned inventor(s), hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I (We) believe that I am (we are) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL DNA REPAIR ENZYMES, NUCLEIC ACIDS ENCODING DNA REPAIR ENZYMES AND METHODS OF USING THEM

the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and amended on \_\_\_\_\_.

☐ was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

I (We) hereby state that I (We) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I (We) do not know and do not believe that this invention was ever known or used before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application.

I (We) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

I (We) hereby claim foreign priority benefits under Section 119(a)-(d) of Title 35 United States Code, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application

on which priority is claimed:

Application No.	Country	Filing date	Priority claimed	
<u>47762/2001</u>	<u>Japan</u>	<u>February 23, 2001</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Section 119(e) of Title 35 United States Code, of any United States application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I (We) hereby claim the benefit under Section 120 of Title 35 United States Code, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112 of Title 35 United States Code, I (We) acknowledge the duty to disclose material information as defined in Section 1.56(a) of Title 37 Code of Federal Regulations, which occurred between the filing date of the prior application and national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

And I (We) hereby appoint: Richard J. Anderson, Registration No. 36, 732; Gregory P. Einhorn, Registration No. 38,440; Mark S. Ellinger, Registration No. 34,812; J. Eldora L. Ellison, Registration No. 39,967; Peter Fasse, Registration No. 32,983; J. Patrick Finn, III, Registration No. 44,109; Janis K. Fraser, Registration No. 34,819; John W. Freeman, Registration No. 29,066; Diane L. Gardner, Registration No. 36,518; Scott C. Harris, Registration No. 32,030; John F. Hayden, Registration No. 37,640; George Heibel, Registration No. 42,648; Donald C. Kordich, Registration No. 38,213; Ronald C. Lundquist, Registration No. 37,875; Anita L. Meiklejohn, Registration No. 35,283; Mike P. Reed, Registration No. 45, 647; Reginald Suyat, Registration No. 28, 172; Y. Rocky Tsao, Registration No. 34, 054; Hans R. Troesch, Registration No. 36, 950; and Dorothy P. Whelan, Registration No. 33,814.

It(We) hereby request that all correspondence regarding this application be sent to the firm of FISH & RICHARDSON P.C. whose Post office address is: 4350 La Jolla Village Drive, Suite 500, San Diego CA 92122, U.S.A.

I (We) declare further that all statements made herein of my (our) knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Seiki KURAMITSU

NAME OF FIRST SOLE INVENTOR

Seiki Kuramitsu

Signature of Inventor

August 14, 2001

Date

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Signature of Inventor

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kuramitsu, et al.                      Art Unit : Unknown  
Serial No. :    Examiner : Unknown  
Filed : August 24, 2001  
Title : NOVEL DNA REPAIR ENZYMES, NUCLEIC ACIDS ENCODING DNA  
REPAIR ENZYMES AND METHODS OF USING THEM

**BOX SEQUENCE**

Commissioner for Patents  
Washington, D.C. 20231

VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I, Gregory P. Einhorn, declare that I personally prepared the paper and the computer-readable copy of the Sequence Listing filed herewith for the above-identified application and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL584939500US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit August 24, 2001  
Signature Michael Hubbard

Michael Hubbard  
Typed or Printed Name of Person Signing Certificate

Applicant : Kuramitsu  
Serial No. :  
Filed : August 24, 2001  
Page : 2

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(FA)

of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Aug 24, 2001

Gregory P. Einhorn

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